

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division

IN RE:

MARTIN CHRISTOPHER MAXEY

Debtor

Chapter 13

Case No. 22-61037-RBC

WILMINGTON SAVINGS FUND SOCIETY,
FSB, D/B/A CHRISTIANA TRUST AS
TRUSTEE FOR PNPMS TRUST II

Movant

v.

MARTIN CHRISTOPHER MAXEY
928 PENLAN ROAD
ARVONIA, VA 23004
(Debtor)

HERBERT L. BESKIN
123 EAST MAIN ST., STE. 310
CHARLOTTESVILLE, VA 22902
(Trustee)

Respondents

OBJECTION TO CONFIRMATION

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for PNPMS Trust II (“Wilmington”) by its undersigned attorneys, Orlans PC, hereby objects to the confirmation of the Chapter 13 plan filed by the Debtor Martin Christopher Maxey (“Debtor”), and as grounds therefore states as follows:

1. On or about November 18, 2005, Martin Christopher Maxey executed and delivered to Citifinancial, Inc. (MD) a promissory note (the “Note”) in the amount of SIXTEEN THOUSAND FIVE HUNDRED THIRTEEN DOLLARS AND EIGHTY-THREE

CENTS (\$16,513.83), plus interest at the fixed rate of 14.73% per annum, to be paid over fifteen (15) years.

2. Martin Christopher Maxey executed a Deed of Trust to Citifinancial, Inc. (MD) dated November 18, 2005. The Deed of Trust is a first mortgage on real property owned by the Debtor known and numbered as Route 1 Box 103, Arvonnia, VA 23004.
3. The Debtor's Chapter 13 Plan proposes to cramdown the claim held by Creditor to Thirty-Six Thousand Dollars and No Cents (\$36,000.00) at an interest rate of 0%.
4. The secured amount of the claim does not accurately reflect the total payoff. Initial figures suggest that the total amount will be slightly higher. Wilmington will file a proof of claim prior to the bar date.
5. The interest rate proposed by the debtor is not appropriate. Wilmington is entitled to a Till interest rate.

WHEREFORE, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for PNPMS Trust II, by and through its attorneys prays that Confirmation be denied with leave to amend.

Date: November 23, 2022

Respectfully submitted,

/s/Daniel K. Eisenhauer

Daniel K. Eisenhauer, Bar #85242

Orlans PC

PO Box 2548

Leesburg, VA 20177

(703) 777-7101

Attorneys for Wilmington Savings Fund Society,
FSB, d/b/a Christiana Trust as Trustee for PNPMS
Trust II

deisenhauer@orlans.com

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NOTICE OF OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN
AND NOTICE OF HEARING

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for PNPMS Trust II has filed an objection to your Chapter 13 plan in this bankruptcy case.

Confirmation of your Chapter 13 plan may be denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny confirmation of your plan, then you and your attorney must:

ATTEND THE HEARING TO BE HELD:

at: All parties connect using video conference instructions on the court website

on: November 30, 2022 at 09:30 AM

to consider and act upon Objection to Confirmation filed by Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for PNPMS Trust II

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to confirmation.

Date: November 23, 2022

Respectfully submitted,

/s/Daniel K. Eisenhauer

Daniel K. Eisenhauer, Bar #85242

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deisenhauer@orlans.com

CERTIFICATE OF SERVICE

The undersigned states that on November 23, 2022, copies of the foregoing Objection to Confirmation were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Herbert L. Beskin
123 East Main St., Ste. 310
Charlottesville, VA 22902
hbeskin@cvillech13.net
Bankruptcy Trustee

William Harville
327 W. Main St., #3
Charlottesville, VA 22903
harvillebk@gmail.com
Debtor's Attorney

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Objection to Confirmation to the following non-ECF participants:

Martin Christopher Maxey
928 Penlan Road
Arvonion, VA 23004
Debtor

/s/Daniel K. Eisenhauer
Daniel K. Eisenhauer, Esquire